

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
NE/S Labrador Lane, 176' W of
the c/l of Pinwood Court
(9607 Labrador Lane)
9th Election District
3rd Councilmanic District
Harry R. Kleinhen, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot line setback of 48 feet in lieu of the required 50 feet for a proposed garage addition and a street centerline setback of 73 feet in lieu of the required 75 feet for a proposed living room addition in accordance with Petitioner's Exhibits 1 and 2.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

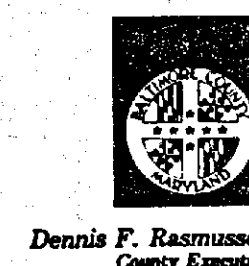
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July, 1990 that the Petition for Residential Variance to permit a lot line setback of 48 feet in lieu of the required 50 feet for a proposed garage addition and a street centerline setback of 73 feet in lieu of the required 75 feet for a proposed living room addition, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The garage addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed improvements are limited to use for residential purposes only. No commercial use or activity on the subject property shall be permitted.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 31, 1990



Mr. & Mrs. Harry R. Kleinhen
9607 Labrador Lane
Cockeysville, Maryland 21030

RE: PETITION FOR RESIDENTIAL VARIANCE
NE/S Labrador Lane, 176' W of the c/l of Pinwood Court
(9607 Labrador Lane)
9th Election District - 3rd Councilmanic District
Harry R. Kleinhen, et ux - Petitioners
Case No. 90-557-A

Dear Mr. & Mrs. Kleinhen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-557-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.B.5 (202.2, R-40, 1969) --- To permit a 48 ft. lot line setback and a 73 ft.

street centerline setback in lieu of 50 ft. and 75 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the purpose of (indicate hardship or practical difficulty)

Practical Difficulty
See Attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

HARRY R. KLEINHEN

HARRY R. KLEINHEN

JENNIFER L. KLEINHEN

JENNIFER L. KLEINHEN

9607 LABRADOR LANE

COCKEYSVILLE, MARYLAND 21030

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 19th day of July, 1990, that the subject matter of this petition be posted on the property on or before the 17th day of July, 1990.

J. Robert Haines

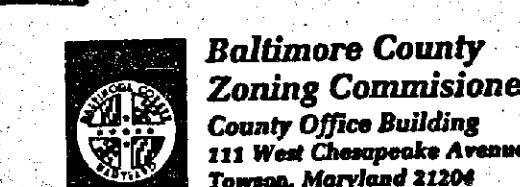
ZONING COMMISSIONER OF BALTIMORE COUNTY

IF A PUBLIC HEARING HAS BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, THIS PETITION IS FURTHER ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock, ____ P.M.

ESTIMATED LENGTH OF HEARING: -1/2HR. +1HR.
AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS

ALL REVISED BY: STRA DATE: 6-18-90

ZONING COMMISSIONER OF BALTIMORE COUNTY



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number

receipt
No 2750
2539

Date

PAID PER HAND-WRITTEN RECEIPT

6/19/90

Item #
H9001447

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (1RL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING 1 X		\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: KLEINHEN

Please make checks payable to: Baltimore County

Cashier Validation:

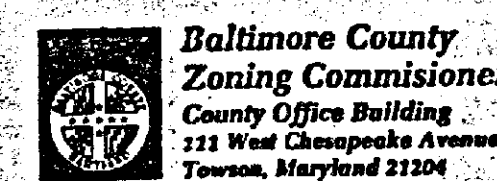
REASON FOR REQUEST

PRACTICAL DIFFICULTY:

1. THE PROPOSED ADDITION ON THE SOUTHEAST (RIGHT) SIDE OF THE EXISTING DWELLING IS INTENDED TO BE, IN PART, AN EXTENSION OF THE LIVING ROOM. IF THE 50 FOOT SETBACK IS RETAINED RATHER THAN THE REQUESTED 48 FEET, THE EXTENDED PART OF THE LIVING ROOM WOULD BE 5 FEET NARROWER. IN ADDITION IT WOULD BE DIFFICULT AND ARCHITECTURALLY UNATTRACTIVE TO ALIGN THE ADDITION ROOF LINE AND THE ORIGINAL ROOF.
2. THE EXISTING SINGLE CAR GARAGE IS TO BE CONVERTED TO STORAGE SPACE SINCE THE EXISTING DWELLING HAS NO BASEMENT OR STORAGE SPACE. A TWO CAR GARAGE AND WORKSHOP ADDITION IS PROPOSED ON THE NORTHWEST END OF THE EXISTING DWELLING. IF THE PRESCRIBED 50 FOOT SETBACK IS RETAINED RATHER THAN THE REQUESTED 48 FEET, THE INTERIOR ACCESS TO THE GARAGE WOULD HAVE TO BE THROUGH THE PROPOSED STORAGE AREA THUS MINIMIZING THE EFFECTIVENESS OF ITS INTENDED USE.

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE NORTH SIDE OF LABRADOR LANE WHICH IS 50 FEET WIDE AT THE DISTANCE OF 176 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET FIRWOOD COURT WHICH IS 50 FEET WIDE. BEING LOT #20, BLOCK A, IN THE SUBDIVISION OF BOXER HILL PARK AS RECORDED IN THE BALTIMORE COUNTY PLAT BOOK #078-33, FOLIO #144, CONTAINING .9 ACRES. ALSO KNOWN AS 9607 LABRADOR LANE AND LOCATED IN THE EIGHTH ELECTION DISTRICT.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number

receipt
No 2539
2150

RES. VAR. (ADMIN) 35.00
POSTING FEE 25.00
HARRY R. KLEINHEN 60.00

447

B 1344*****600018 81586
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Residential Variance
Petitioner: Harry R. Kleinhen, et ux
Location of property: NE/S Labrador Lane, 176' W of c/l of Firwood Court
Location of Sign: In front of 9607 Labrador Lane

Remarks: S.J. Quate
Posted by: S.J. Quate
Number of Signs: 1
Date of return: July 13, 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 26, 1990

Mr. & Mrs. Harry R. Kleinhen
9607 Labrador Lane
Cockeysville, Maryland 21030

Re: CASE NUMBER: 90-557-A
ITEM NUMBER: 447
LOCATION: 9607 Labrador Lane

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 11, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is July 26, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reopening of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

Mr. & Mrs. Harry R. Kleinhen
9607 Labrador Lane
Cockeysville, MD 21030

RE: Item No. 447, Case No. 90-557-A
Petitioner: Harry R. Kleinhen, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Kleinhen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
30th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Harry R. Kleinhen, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 13, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard M. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olynn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark K. Harvey, Item No. 439
Michael John Reddy, Item No. 440
David Seymour Allan, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinhen, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shimony, Item No. 456
Kirk Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

July 3, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HARRY R. KLEINHEN
Location: #9607 LABRADOR LANE
Item No.: 447 Zoning Agenda: JULY 10, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plan for the property.

5. The buildings structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Carl J. Kelly 7-10-90* Noted and Approved: *William E. Brady Jr. 7-10-90*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JULY 3, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CSB

SUBJECT: ZONING ITEM #1: 447
PROPERTY OWNER: Harry R. Kleinhen, et ux
LOCATION: NE/S Labrador Lane, 176' W of centerline Firwood Ct (#9607 Labrador Lane)
ELECTION DISTRICT: 8th
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - NO FURTHER COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

JUL 05 1990

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9607 LABRADOR LANE

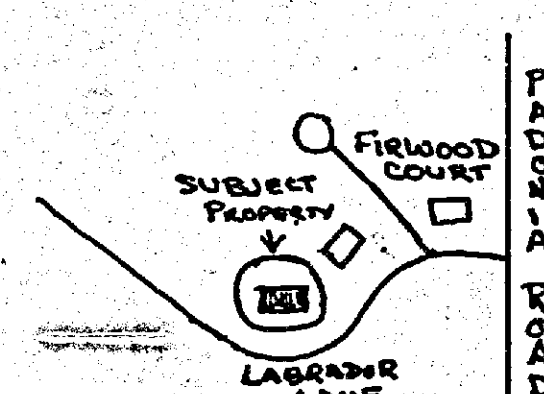
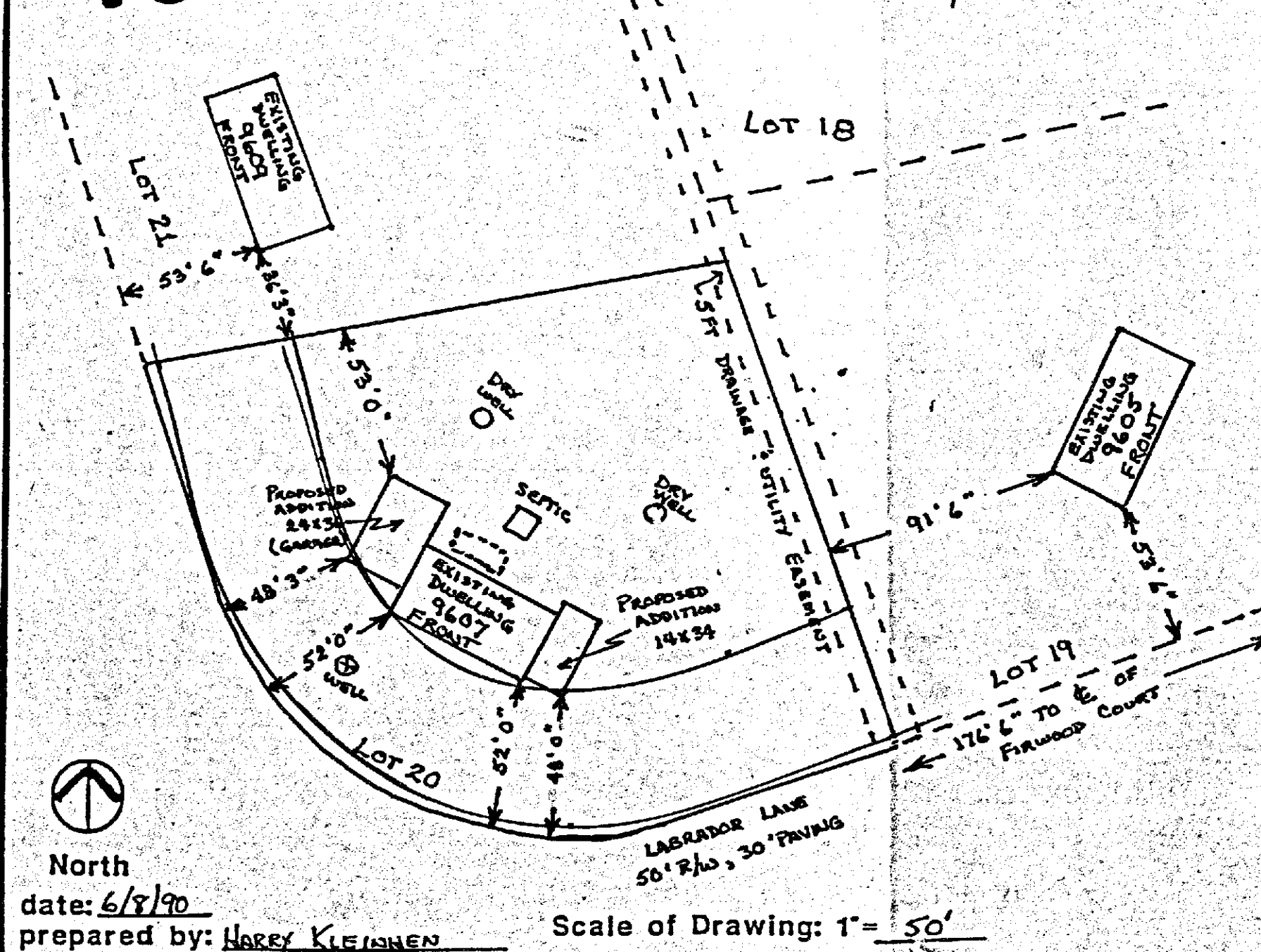
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Boxer Hill Park
plat book # 90-33, folio # 144, lot # 20, section #

OWNER: HARRY R & JENNIFER L. KLEINHEN

90-557-A

Petitioner's Exhibit #1

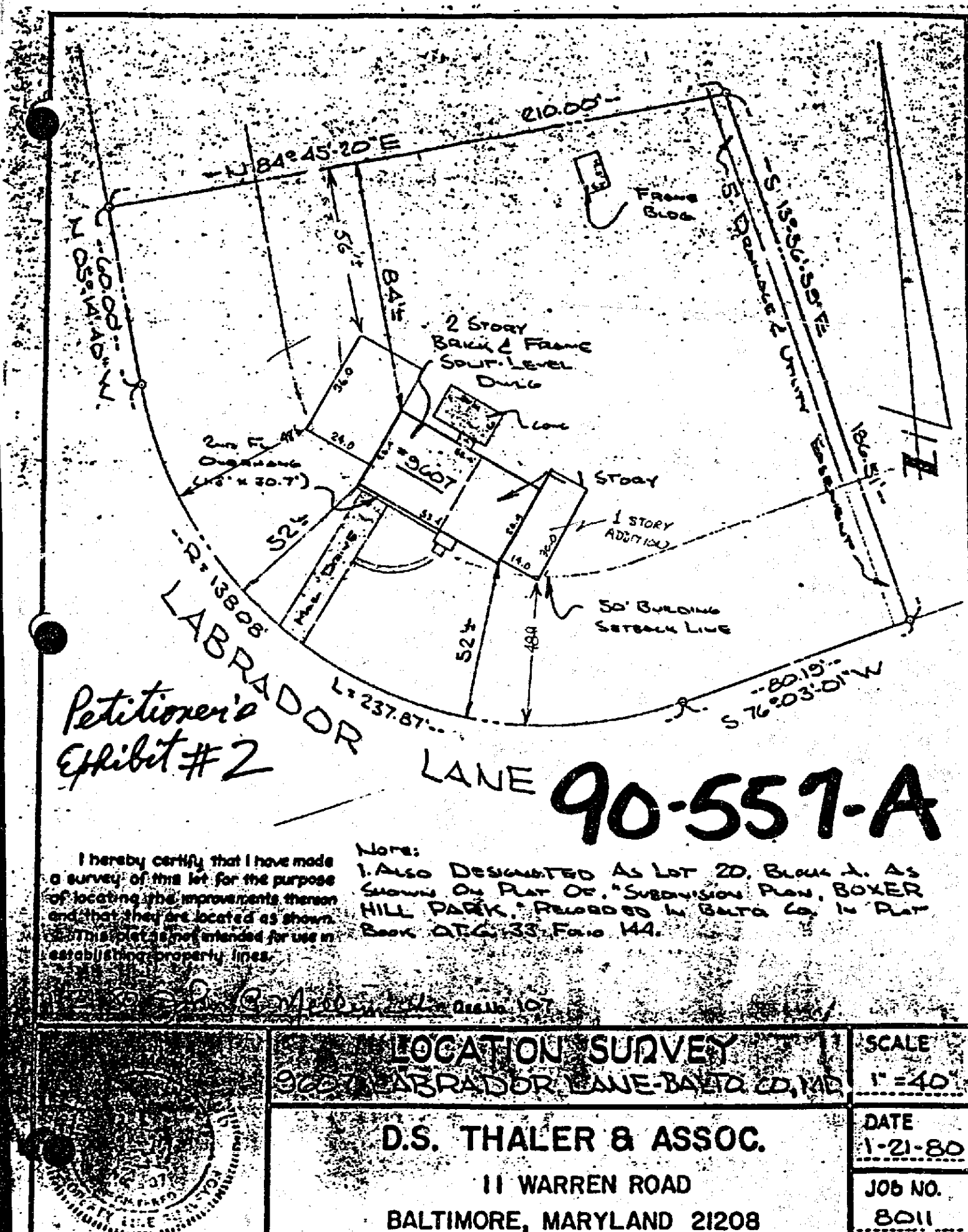


LOCATION INFORMATION

Councilmanic District: 3
Election District: 8
1"=200' scale map: N.W. 15-D
Zoning: R-C-5
Lot size: 9 acreage 39204 square feet
SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private
Chesapeake Bay Critical Area: ☐ Yes ☒ No
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:



I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown on this plat. I am a duly licensed and qualified surveyor for use in Maryland.

None:
I also designated as Lot 20, Boxer Hill Park, a portion of the property shown on Plan No. 90-33, Folio 144, in the Plat Book #90-33, Folio 144.

LOCATION SURVEY
9607 LABRADOR LANE, BALTIMORE, MD
D.S. THALER & ASSOC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208
DATE: 7-21-90
JOB NO.: 8011



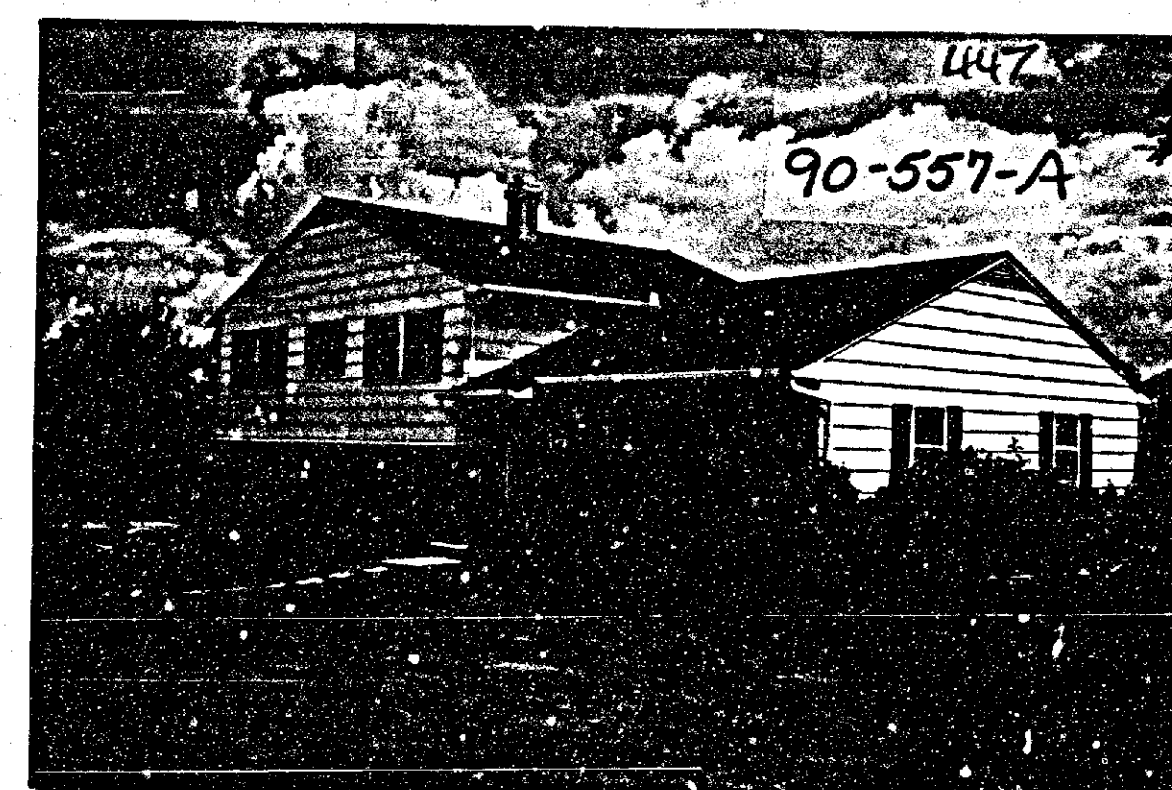
Petitioner's
Exhibit 3



Petitioner's
Exhibit 4



Petitioner's
Exhibit 5



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

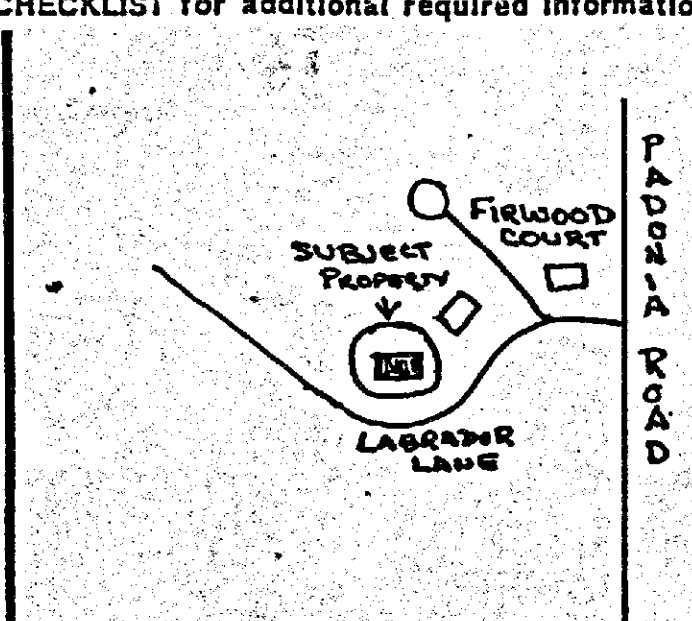
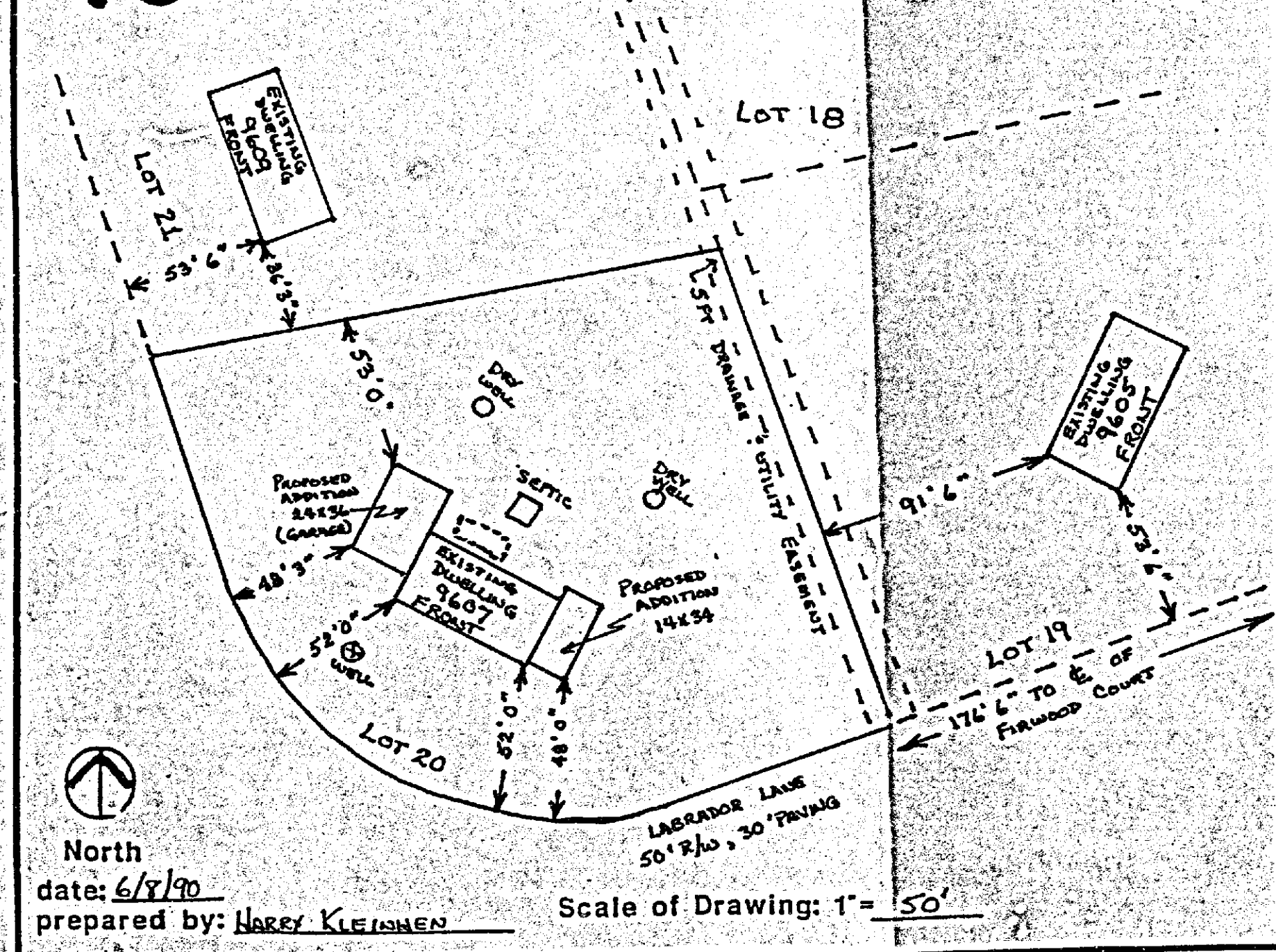
PROPERTY ADDRESS: 9607 LABRADOR LANE

Subdivision name: Boxer Hill Park

plat book # 144, lot # 20, section #

OWNER: Harry R & Jennifer L. Kleinhans

90-557-A



LOCATION INFORMATION

Councilmanic District: 3

Election District: 8

1"=200' scale map: N.W. 15-D

Zoning: R.C. 5

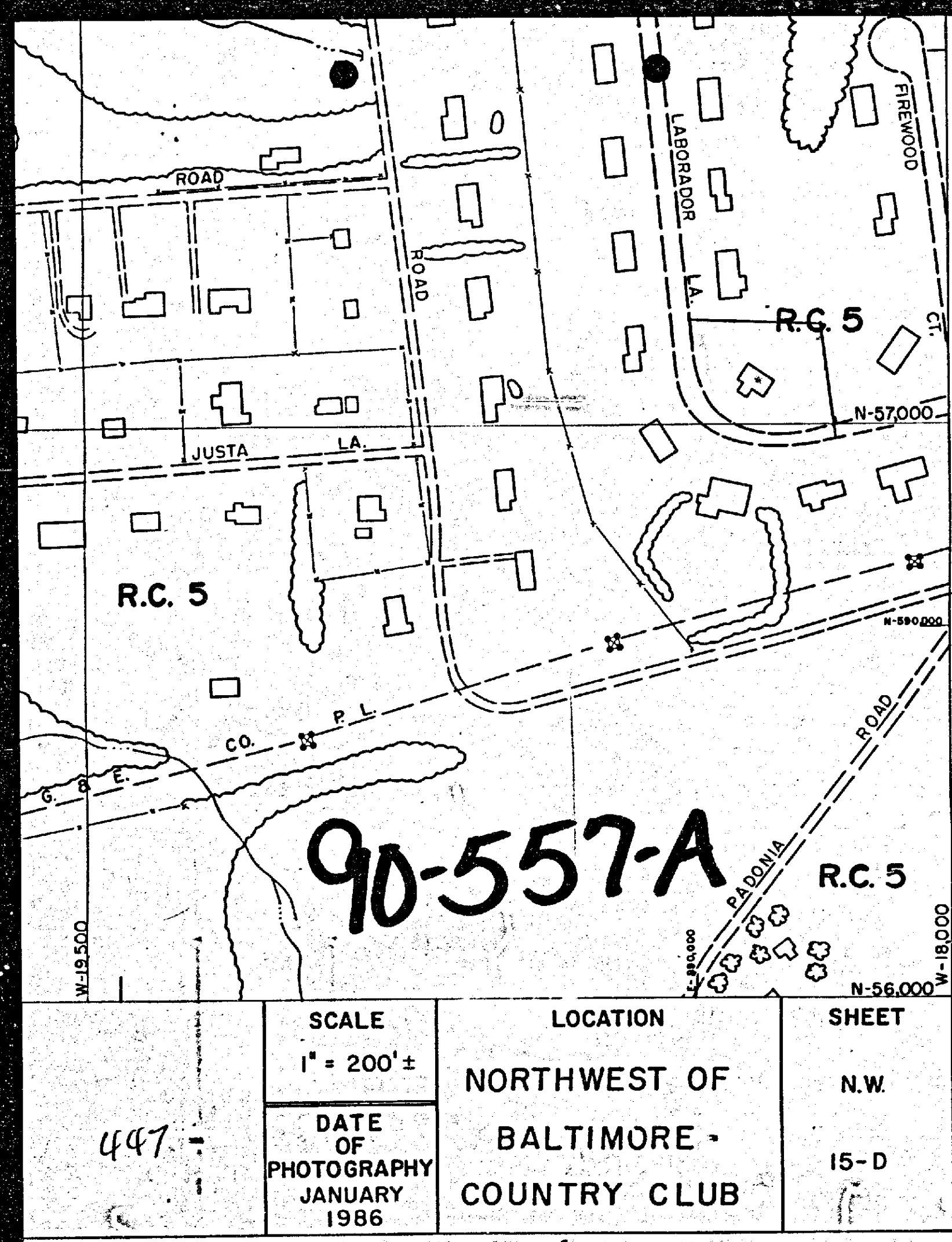
Lot size: 9 acreage 39204 square feet

Public: ☐ Sewer: ☒ Water: ☒ Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:



90-557-A

SCALE	LOCATION	SHEET
1" = 200' ±	NORTHWEST OF BALTIMORE COUNTRY CLUB	N.W. 15-D
DATE OF PHOTOGRAPHY JANUARY 1986		